

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MOZLY TECH LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
JIVE COMMUNICATIONS, INC.	§	
	§	
Defendant.	§	
_____	§	

COMPLAINT

Plaintiff Mozly Tech LLC (“Plaintiff” or “Mozly”) files this Complaint against Jive Communications, Inc. (“Defendant” or “Jive”) for infringement of United States Patent No. 7,367,044 (hereinafter “the ‘044 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 3400 Silverstone Dr., Suite 191-G, Plano, Texas 75023.

4. On information and belief, Defendant is a Delaware corporation with an office address of 1275 W 1600 N St #100, Orem, Utah 84057.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this

District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District of Texas pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this district.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,367,044)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '044 Patent with sole rights to enforce the '044 Patent and sue infringers.

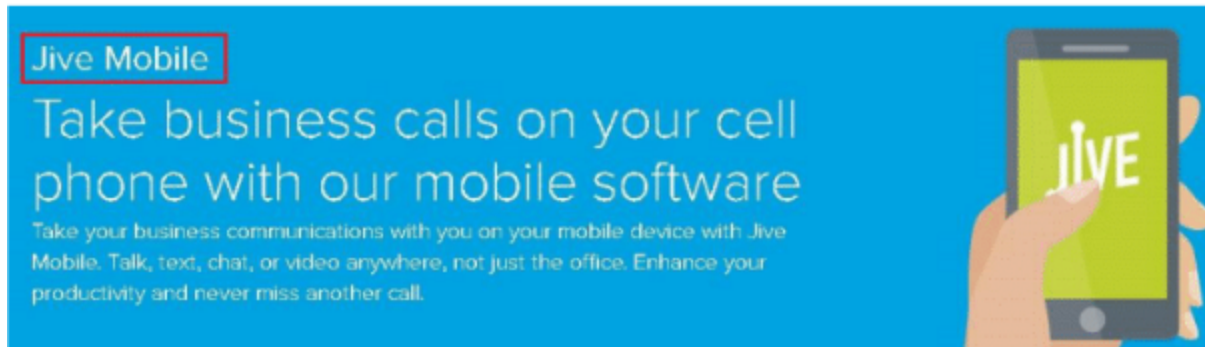
11. A copy of the '044 Patent, titled "System and Method for Network Operation," is attached hereto as Exhibit A.

12. The '044 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '044 patent by making, using, importing, selling, and/or offering for sale a contact management tool, which is covered by at least Claim 1 of the '044 patent. Defendant has infringed and continues to infringe the '044 patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses contact management tools including,

without limitation, the Jive Communications app and/or Jive Mobile app, and any similar products (“Product”), which infringe at least Claim 1 of the ‘044 Patent. The Product allows for the creation and maintenance of contact information, such as contact phone numbers, for example, for users having accounts. The users are associated with the contact information via user accounts. A user account can be associated with a new telephone so that the new telephone can dial the phone numbers for the contacts. Various of these elements are illustrated below in the public information (screen shots):



<https://jive.com/products/applications/mobile/>

Carry your business communications in the palm of your hand.

Being out of the office shouldn't slow you down. Facilitate easy communication and collaboration between employees, suppliers, and clients. Access calls, voicemail, video, chat, and text through one mobile interface.

<https://jive.com/products/applications/mobile/>

Jive Communications
By Jive Communications

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Open iTunes to buy and download apps.



Description

Take your work anywhere with the Jive mobile app. This app will enable you to make and receive calls using your work number, Manage voicemail, search your company directory for important information and view the presence of your co-workers

Jive's mobile application only works seamlessly with a regular Jive account. Be where you want to be, don't let work hold you back.

Note: User is able to set location based rules to enable and disable call features while the application is running in the background. Continued use of GPS running in the background can dramatically decrease battery life.

<https://itunes.apple.com/us/app/jive-communications/id902777480?mt=8>

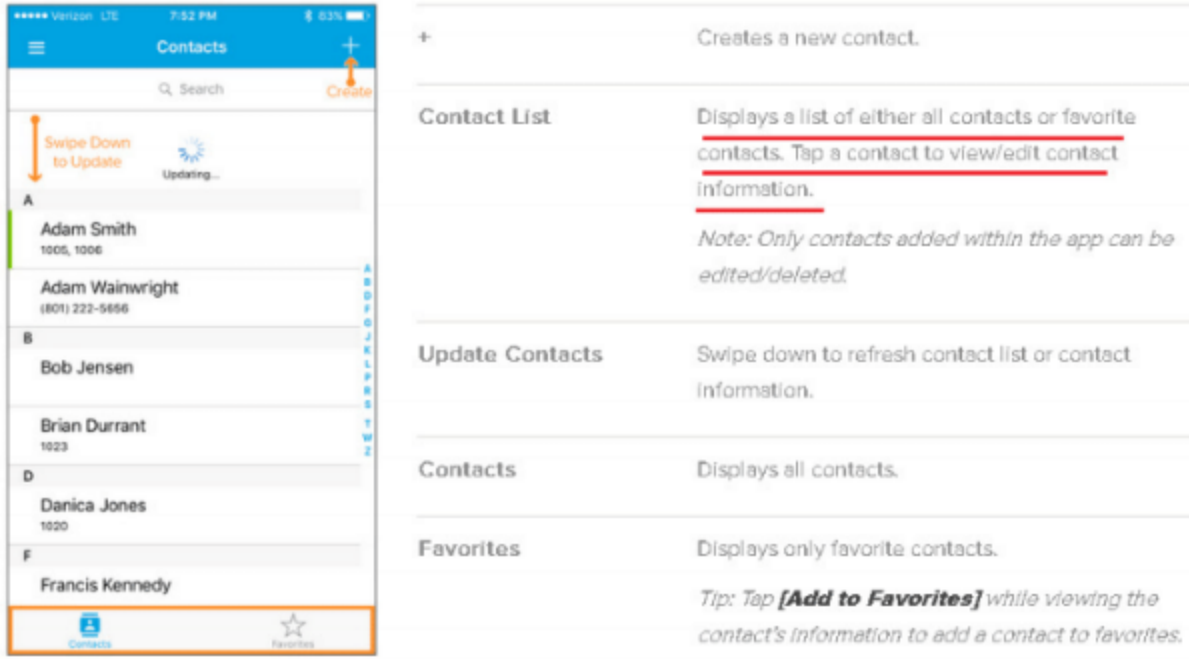
Business calls ring your cell phone.

Transform your employees' mobile devices into an extension of their office phones or into standalone cloud phones. Install the Jive Mobile softphone application (free with the purchase of a Jive Voice seat).

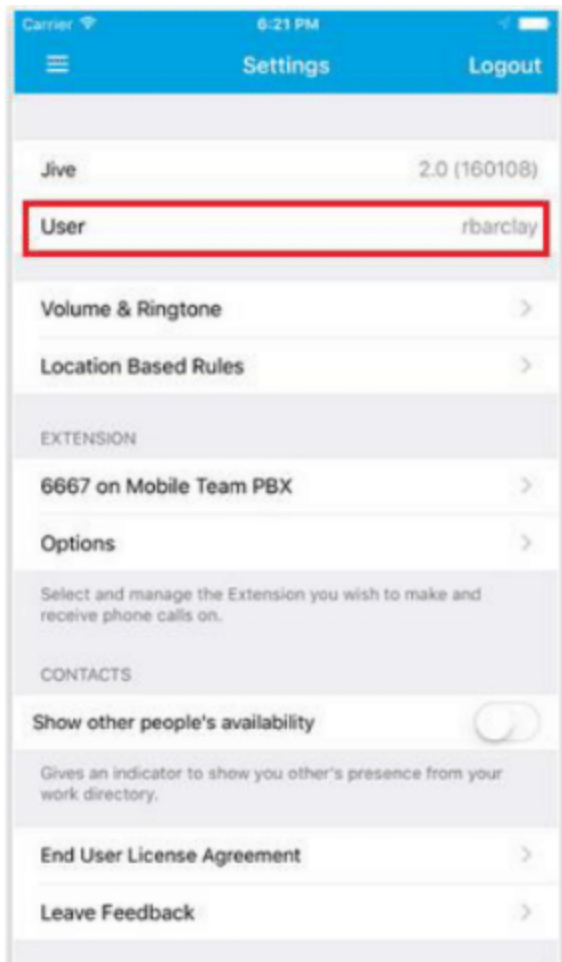
<https://jive.com/products/applications/mobile/>

Contacts Tab

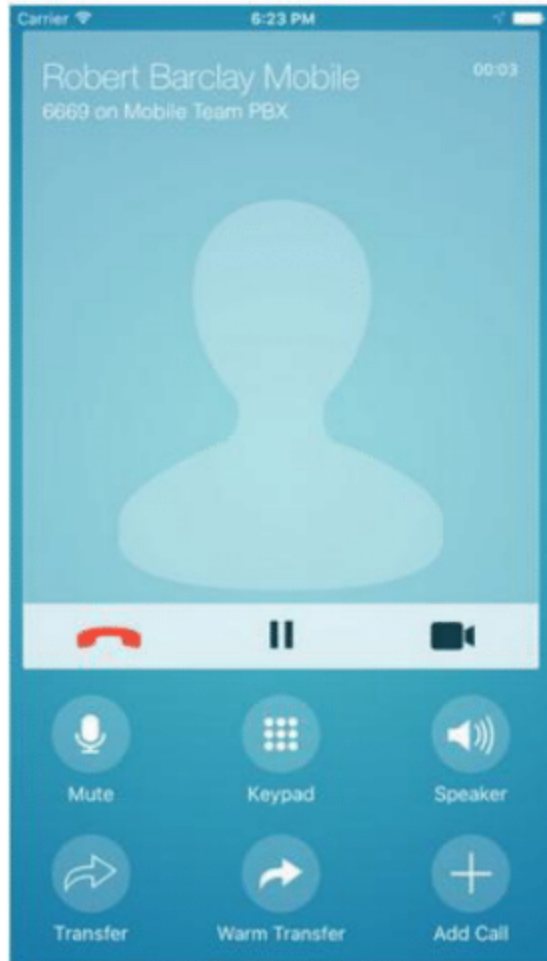
To access the contacts tab, tap  in the upper-left corner and then select **Contacts**.



https://jive.com/resources/support_page/product-manual-2/jive-mobile/jive-mobile-ios/



<https://itunes.apple.com/us/app/jive-communications/id902777480?mt=8>



<https://itunes.apple.com/us/app/jive-communications/id902777480?mt=8>

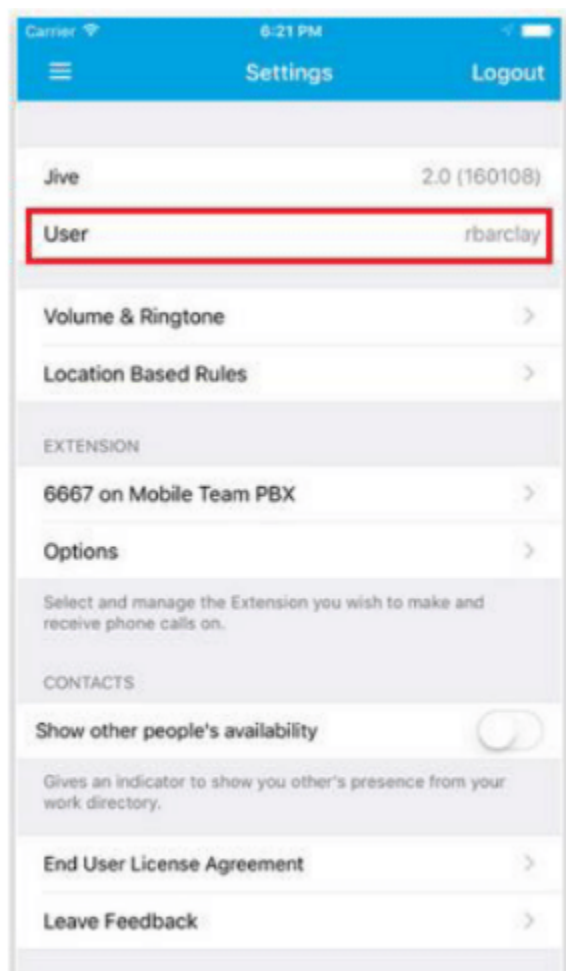
15. The network includes a number of client telephones that use contact information stored on the Product. The contact information includes telephone numbers.

16. On information and belief the network includes one or more servers (e.g., a cloud server) on which user accounts are hosted. For example, the Product stores accounts associated with users of the Product.

17. The network also provides for communication (e.g., VOIP call data) between the server and client telephones. For example, a mobile application provided by Defendant permits communication between the server and client telephones via Internet or LTE services.

18. For each user account, the Product maintains contact information for the

associated user. For example, the Product maintains a user profile for a given user account and the user profile includes the user's personal information such as user ID and phone extension information. Various of these elements are illustrated below in the public information (screen shots):



<https://itunes.apple.com/us/app/jive-communications/id902777480?mt=8>

In order to access the end user portal, admin portal, or any of Jive's apps; you must have an active JiveID. This single username, which is your email address, allows you to take full advantage of Jive's features and services. With it, you can check your voicemail online, set up your Find Me/Follow Me settings, make and receive calls from your computer (Jive Web) or mobile phone (Jive Mobile), and so much more.

⚠ Admin Setup Required

Before gaining access to the portal, please contact your system admin to have your JiveID (email address) added to the system.

1. Go to onjive.com/register.
2. Complete the **User Registration** form.

📘 Choosing Your Email Address (JiveID)

Your email address is your JiveID and therefore should be unique to each person. Use an email address that only you have access to.

If you have a JiveID that exists on multiple systems, you may encounter issues with Jive Mobility. We recommended creating a unique JiveID for each system to which you have access.

Choosing Your Password

Your password must be 8-32 characters and include an upper-case, lower-case, numeric, and non-alpha-numeric character.

https://jive.com/resources/support_page/end-user-manual-2/end-user-portal/get-started-end-user-portal/register-for-a-jiveid/

19. The Product maintains a contact list of telephone numbers that a given user has selected. The contact list can be accessed and dialed by the user's client telephone.

20. The Product can associate a user account with a new telephone so that the new telephone can dial the contact telephone numbers for that particular user account. For example, when a user has a new telephone, the user account is associated with the new telephone by way of the user logging in to the Product's application.

21. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

22. Defendant's actions complained of herein are causing irreparable harm and

monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

23. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,367,044 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 19, 2017

Respectfully submitted,

/s/Stamatios Stamoulis

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